REMARKS

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 1, 8 and 25 have been amended as set forth above. The Applicants respectfully request reconsideration of the claim rejections in view of these amendment and the remarks set forth below.

Claims 1-31 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 7,065,778 ("Lu"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

I.   Lu Does Not Anticipate Claims 1-17

Claim 1 has been amended to recite, in part, "a first storage in the first home that stores the media; the first storage supporting consumption of the media by the first television display in the first home, and having a first network address **with respect to a first user in the first home;** ... a second storage supporting consumption of the media by the second television display in the second home, and having a second network address **with respect to a second user in the second home, wherein the second user is known to the first user;** server software that **maintains a <u>user defined</u> association of the first and second network addresses** and that receives **a request that identifies** one of the associated first and second network addresses and **responds by identifying the other of the associated first and second network addresses** to support delivery ...." Claim 8 has been amended in a similar fashion and recites, in part, "server software that **maintains a <u>user defined</u> association of the first and second protocol addresses [with respect to first and second users who know one another]** and that receives a **request that identifies one of the associated first and second protocol addresses** and **responds by**

identifying the other of the associated first and second protocol addresses to support delivery ....”

On the other hand, Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

> Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Lu does not describe, teach, or suggest, however, "a first storage in the first home that stores the media; the first storage supporting consumption of the media by the first television display in the first home, and having a first network address **with respect to a first user in the first home**; ... a second storage supporting consumption of the media by the second television display in the second home, and having a second network address **with respect to a second user in the second home, wherein the second user is known to the first user**; server software that maintains a <u>user defined</u> association of the first and second network addresses and that receives a request that identifies one of the associated first and second network addresses and responds by identifying the other of the associated first and second network addresses to support delivery," as recited in claim 1, for example. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer **arbitrarily** locates another PVR in a particular broadcast area to record the show for the requesting PVR.

The Office Action cites Lu at column 6, lines 54-58 as disclosing "server software... that maintains a user defined association of the first and second network addresses." *See* October 3, 2007 Office Action at pages 2 and 5 and August 29, 2007 Office Action at page 4. This portion of Lu states, however, the following:

> Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. This portion of Lu merely indicates that a recorder requests a show, and then the EPG **arbitrarily** finds another recorder in a broadcast area to record the show for the requesting recorder. This portion of Lu does not indicate that a user defines an association

between first and second network addresses (based on known identities of users), or that a server **maintains** that **user defined association.** In general, there is nothing in this cited portion, nor the remainder, of Lu that describes, teaches or suggests "server software that **maintains a user defined** association of the first and second network addresses [with respect to first and second users who know one another]**," as recited in claim 1, or "server software that **maintains a user defined** association of the first and second protocol addresses [with respect to first and second users who know one another]**," as recited in claim 8. Thus, for at least these reasons, Lu does not anticipate claims 1-17.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing "respond[ing to a request that identifies one of the associated first and second network addresses] by identifying the other of the associated first and second network addresses" *See* October 3, 2007 Office Action at page 5, August 29, 2007 Office Action at page 5, May 29, 2007 Office Action at page 4 and December 4, 2006 Office Action at page 4. This portion of Lu states, however, the following:

> Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The "request" mentioned in this passage is a "request [for] delivery of a specific television show that may not be available to him or her." *See id.* at column 6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server "locates one or more personalized video recorders situated within a broadcast region of the requested television show." Location of an arbitrary recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request

that identifies one of the associated first and second network addresses that "identif[ies] the other

of the associated first and second network addresses to support delivery," as recited in claim 1,

for example. Thus, for at least this additional reason, Lu does not anticipate claims 1-17.

In response to the Applicants, the Office Action counters with the following:

> Applicant argues that Lu does not describe, teach or suggest
> "server software that maintains a user defined association of the
> first and second network addresses...". In response to applicant's
> argument, **in Col 6 line 54-58 of Lu,** PVR 200A is used to record
> desired TV shows requested by user from PVR 200, and once PVR
> 200A record the TV show, PVR 200A transmits the TV show to
> the EGP server 304, which then transmits the TV show to the
> requested PVR 200; the association of PVR 200 and PVR 200A is
> made when PVR 200A is identified to record the user desired
> program, and the server must maintain the association of the
> network address of PVR 200 and 200A for media transfer.

See October 3, 2007 Office Action at page 2 and August 29, 2007 Office Action at page 2

(emphasis added). As detailed above, however, the portion of Lu relied on by the Office Action

does not describe, teach or suggest "server software that **maintains a _user defined_ association**

of the first and second network addresses [with respect to first and second users who know

one another]," as recited in claim 1, or "server software that **maintains a _user defined_**

association of the first and second protocol addresses [with respect to first and second users

who know one another]," as recited in claim 8. Again, Lu merely describes a system in which

an out of area recorder requests a recording, at which point the EPG **arbitrarily** finds a recorder

within that broadcast are to record the show for the requestor. Even if one assumes there is an

"association" between the two recorders, such association is arbitrarily determined by the EPG,

but is clearly not "user defined." Thus, for at least these reasons, the Applicants respectfully

request reconsideration of the rejection of claims 1-17.

II.   Lu Does Not Anticipate Claims 18-24

Claim 18 recites, in part, "a **closed and secure** communication network, wherein the media is delivered from the first storage to the television display via the closed and secure communication network." Lu does not describe, teach, or suggest such a limitation. Instead, Lu **arbitrarily** locates a PVR in a broadcast area to record a show for a PVR in another broadcast area over **an open communication network** (e.g., the Internet). Thus, Lu does not anticipate claims 18-24 for at least this reason.

In response to the Applicants, the Office Action states the following:

> [The Applicants argue that] Lu does not teach "a closed and secure communication network, wherein the media is delivered from the first storage to the television display via the closed and secure communication network," In response to applicant's argument, all the PVRs are managed by the EPG server, which forms closed and secure communication network among all the PVRs and servers (see figure 4 and Col 8 lines 31-46, **all the PVRs are registered within the same TV network and monitored under the EPG server**, the TV network is viewed as a "closed and secure communication network", and all the requests are broadcasted within this TV network).

See October 3, 2007 Office Action at page 3 (emphasis in original) and August 29, 2007 Office Action at pages 2-3.

As specifically disclosed in Lu, however, "EPG server computer 304 <u>locates via Internet 302</u> one or more personalized video recorders (e.g., 200A and/or 200B) **situated within a broadcast region of the requested television show.**" *See* Lu at column 6, lines 43-50. The Applicants respectfully submit that **arbitrarily locating PVRs via the Internet within a**

sprawling broadcast region of a television show is <u>by no means</u> a "closed and secure

communication network," as recited in claim 18.

Further, as noted above, the Office Action cites Lu at column 8, lines 31-46 as disclosing

a "closed and secure communication network." This portion of Lu states, however, the

following:

> It is appreciated that network 400 of FIG. 4 may be modified by
> enabling it to operate **with any type of media content (e.g.,
> audio, video, graphics, information, data, software, and/or the
> like) in any type of format. For example,** the television content
> providers (e.g., television head-ends 306 and 308) may be
> substituted with any type of media content providers.
> Additionally, the EPG server computer 304 may be modified such
> that its EPG provides a management system to personalized video
> recorders (e.g., 200 and 200C) for any type of media content.
> Furthermore, the EPG server computer 304 may also be modified
> such that it does not provide an EPG to personalized video
> recorders (e.g., 200 and 200C), but instead provides them a
> different type of management system for any type of media
> content. Moreover, the cache server 402 may be modified such
> that it operates with any type of media content.

Lu at column 8, lines 31-36 (emphasis added). Modifying a network to enable it "to operate with

any type of media content," as disclosed in this passage of Lu, does not make it a "closed and

secure communication network." No matter how the network is modified, Lu still teaches that

the "EPG server computer 304 **locates <u>via Internet 302</u> one or more personalized video**

recorders (e.g., 200A and/or 200B) **situated within a broadcast region of the requested**

television show." *See* Lu at column 6, lines 43-50.

The Office Action **does not explain** how the above portion of Lu that teaches modifying

a network to enable it to operate with any type of media content discloses a "closed and secure

communication network." **Nor has the Office Action explained** how Lu's **express teaching of**

arbitrary location via the Internet of a PVR within a broadcast region of a television show discloses a "closed and communication network." Indeed, the Applicants respectfully submit that **Lu expressly teaches away** from a "closed and secure communication network." For at least these reasons, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation with respect to claims 18-24. Indeed, these claims are allowable over the cited art.

III.   Claims 25-31 Are In Condition For Allowance

Claims 25-31 are in condition for allowance over Lu for at least the reasons discussed above with respect to claims 1-7.

IV.   Conclusion

In general, the Office Action makes various statements regarding claims 1-31 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a future rejection).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicants.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment

to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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